



**STIPULATION**

Pursuant to Civil Local Rules 6-2 and 7-12, the parties respectfully request a modification to the case schedule in this matter in order to permit the parties to attempt to settle this litigation.

WHEREAS, on November 8, 2012, after considering a Joint Case Management Statement submitted by the parties, Judge Seeborg entered an order extending the deadlines for: fact discovery, expert designations, supplemental and rebuttal expert designations, and expert witness discovery (Dkt. Nos. 104, 107);

WHEREAS, on November 28, 2012, the parties participated in a settlement conference before Magistrate Judge Beeler;

WHEREAS, on December 17, 2012, the parties stipulated to extend certain discovery deadlines to allow them to focus their efforts on the production of discovery particularly relevant to settlement (Dkt. Nos. 115, 118);

WHEREAS, on February 25, 2013, and March 11, 2013, the parties participated in further settlement conferences before Magistrate Judge Beeler;

WHEREAS, the parties have held further telephonic settlement conferences since that time, and have made further progress in their attempts to reach a negotiated resolution of this matter; and

WHEREAS, the parties have continued these settlement efforts while also pressing forward with discovery and related meet-and-confer efforts;

WHEREAS, the press of looming discovery deadlines is inhibiting further progress on settlement;

WHEREAS, the current schedule for this case would set trial for November 2013 (Dkt. No. 107);

WHEREAS, the parties have agreed to modify the schedule to permit them to apply good faith efforts to settlement for a limited two-month period of time;

1 IT IS HEREBY STIPULATED AND AGREED, subject to approval of the Court, that  
2 the schedule and deadlines for this case be modified as follows:

3 1. DISCOVERY. Further production of documents and depositions will be stayed,  
4 pursuant to the terms of the agreement of the parties, until July 12, 2013. This stay does not  
5 extend the deadline to propound additional discovery requests or to notice additional depositions.  
6 While the parties do not anticipate noticing any further depositions, they reserve the right to seek  
7 relief from the Court for good cause shown.

8 If an agreement in principle to settle has not been reached by the end of the stay period,  
9 Defendants will produce documents responsive to Plaintiffs' Fourth Set of Requests for  
10 Production, and Plaintiffs will produce documents, if any, responsive to Defendants' Second Set  
11 of Requests for Production by July 19, 2013. The parties will submit a joint letter to Judge  
12 Westmore, if necessary, on or about August 9, 2013. The period for fact depositions will run  
13 from August 9, 2013 through October 31, 2013.

14 2. EXPERT WITNESSES. The disclosure and discovery of expert witnesses and  
15 opinions shall proceed as follows:

16 a. On or before November 18, 2013, the parties will designate experts in accordance  
17 with Federal Rule of Civil Procedure 26(a)(2).

18 b. On or before December 18, 2013, the parties will designate their supplemental  
19 and rebuttal experts in accordance with Federal Rule of Civil Procedure 26(a)(2).

20 c. On or before January 24, 2014, all discovery of expert witnesses pursuant to  
21 Federal Rule of Civil Procedure 26(b)(4) shall be completed.

22 3. DISPOSITIVE MOTIONS. Dispositive motions will be filed in accordance with  
23 the following schedule:

24 a. On or before February 28, 2014, all Motions for Summary Judgment will be filed  
25 pursuant to Civil Local Rule 7.

26 b. On or before March 21, 2014, all Oppositions to Motions for Summary Judgment  
27 will be filed pursuant to Civil Local Rule 7.  
28

c. On or before April 4, 2014, all Replies to Oppositions to Motions for Summary Judgment will be filed pursuant to Civil Local Rule 7.

4. TRIAL. A five-day trial will be set for July 28, 2014, with a pre-trial conference to be set at the Court's convenience

Dated: May 14, 2013

Respectfully submitted,  
By: /s/ Catherine E. Moreno  
Catherine E. Moreno

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**SIGNATURE ATTESTATION**

I, Catherine E. Moreno, attest that I obtained the concurrence of Erez Reuveni in filing this document. I declare under penalty of the laws of the United States that the foregoing is true and correct.

Executed this 14th day of May, 2013 in Palo Alto, California.

/s/ Catherine E. Moreno  
Catherine E. Moreno

**~~[PROPOSED]~~ ORDER**

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that:

1. DISCOVERY. Further production of documents and depositions will be stayed, pursuant to the terms of the agreement of the parties, until July 12, 2013. This stay does not extend the deadline to propound additional discovery requests.

If an agreement in principle to settle has not been reached by the end of the stay period, Defendants will produce documents responsive to Plaintiffs' Fourth Set of Requests for Production, and Plaintiffs will produce documents, if any, responsive to Defendants' Second Set of Requests for Production by July 19, 2013. The parties will submit a joint letter to Judge Westmore, if necessary, on or about August 9, 2013. The period for fact depositions will run from August 9, 2013 through October 31, 2013.

2. EXPERT WITNESSES. The disclosure and discovery of expert witnesses and opinions shall proceed as follows:

a. On or before November 18, 2013, the parties will designate experts in accordance with Federal Rule of Civil Procedure 26(a)(2).

b. On or before December 18, 2013, the parties will designate their supplemental and rebuttal experts in accordance with Federal Rule of Civil Procedure 26(a)(2).

c. On or before January 24, 2014, all discovery of expert witnesses pursuant to Federal Rule of Civil Procedure 26(b)(4) shall be completed.

3. DISPOSITIVE MOTIONS. Dispositive motions will be filed in accordance with the following schedule:

a. On or before February 29, 2014, all Motions for Summary Judgment will be filed pursuant to Civil Local Rule 7.

b. On or before March 21, 2014, all Oppositions to Motions for Summary Judgment will be filed pursuant to Civil Local Rule 7.

c. On or before April 4, 2014, all Replies to Oppositions to Motions for Summary Judgment will be filed pursuant to Civil Local Rule 7.

1           4.       FURTHER CASE MANAGEMENT CONFERENCE. A Further Case  
2 Management Conference shall be held on November 14, 2013 at 10:00 a.m./~~XX~~ in  
3 Courtroom 3, 17th Floor, United States Courthouse, 450 Golden Gate Avenue, San Francisco,  
4 California.

5           5.       PRETRIAL MOTIONS. All pretrial motions must be filed and served pursuant to  
6 Civil Local Rule 7. All pretrial motions shall be heard on May 29, ~~2013~~ <sup>2014</sup> at 1:30  
7 ~~XX~~/p.m., in Courtroom 3, 17th Floor, United States Courthouse, 450 Golden Gate Avenue, San  
8 Francisco, California.

9           6.       PRETRIAL CONFERENCE. A pretrial conference will be held on  
10 July 17, ~~2013~~ <sup>2014</sup> at 10:00 a.m./~~XX~~, in Courtroom 3, 17th Floor, United States Courthouse,  
11 450 Golden Gate Avenue, San Francisco, California.

12           7.       TRIAL. A five-day trial will commence on July 28, 2014 in Courtroom 3,  
13 17th Floor, United States Courthouse, 450 Golden Gate Avenue, San Francisco, California.

14  
15 IT IS SO ORDERED.

16 Date: 5/14, 2013

  
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Honorable Richard Seeborg  
United States District Judge